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OFFICE OF THE ADJUTANT GENERAL
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NHAG-HRO

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NEW HAMPSHIRE NATIONAL GUARD
TECHNICIAN PERSONNEL REGULATION
NUMBER 335

FILLING TECHNICIAN VACANCIES VIA MERIT PRINCIPLES

SECTION 1. GENERAL:

1-1. PURPOSE. The purpose of this regulation is to prescribe policy and procedures for filling Technician vacancies in the New Hampshire Army and Air National Guard.

1-2. POLICY: The goal of the New Hampshire National Guard is to fill all technician vacancies with the best qualified individuals available and to insure that all technicians have an opportunity to develop and advance to their full potential. Position vacancies will be filled on the basis of merit and job-related factors. For purposes of this plan, military requirements are considered as job-related qualifying factors for positions in the excepted service. All actions under this plan will be made without discrimination for nonmerit reasons such as race, color, religion, sex, national origin, marital status, membership or nonmembership in an employee organization, and age or nondisqualifying physical handicap (except for military requirement for excepted technicians)

1-3. SCOPE: This plan encompasses all technician vacancies in the New Hampshire National Guard. It will be used in filling vacancies in the excepted and competitive service through initial appointment, promotion, reassignment, reinstatement, change to lower grade, and transfer.

1-4. RESPONSIBILITIES:

a. The Adjutant General is the appointing authority for the New Hampshire National Guard technician program and is the highest level of authority in the State concerning the overall application of this merit placement plan.

b. The Human Resources Office (HRO) is responsible to the Adjutant General to insure that the requirements of this merit placement plan are carried out. The HRO will:

- (1) Develop, maintain, evaluate and revise the program as necessary.
- (2) Assure compliance with the program.
- (3) Provide guidance and assistance to managers and supervisors concerning their responsibilities under this plan.

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(4) Assure that candidates are properly evaluated and certified for placement.

(5) Maintain necessary records.

c. Managers and supervisors will:

(1) Assure that technicians under their supervision are aware of this plan.

(2) Assure that actions effected within their area of responsibility are based on merit without discrimination.

(3) Encourage technicians under their supervision to participate in developmental opportunities and to apply for vacancies for which qualified.

(4) Recommend changes to this plan to the HRO.

(5) Assure that technicians under their supervision who are absent (military duty, compensable injury not exceeding 1 year, etc.) are considered for vacancies for which they are qualified.

(6) Complete performance ratings in a timely manner in order to effectively support this plan.

(7) Assure that excepted technicians have a compatible military position.

d. Individual technicians are responsible for:

(1) Pursuing developmental opportunities in preparing to assume higher level duties.

(2) Familiarizing themselves with the provisions of this plan.

(3) Assuring that application forms demonstrate and fully substantiate personal qualifications.

(4) Arranging with their supervisors to submit applications for vacancies when temporarily absent from their jobs.

1-5 DEFINITIONS: The terms used in this regulation are defined as follows:

a. Position Change. A promotion, reassignment, or change to lower grade. A position change by any of these methods may also involve a change in official duty station.

b. Promotion: A change of a technician:

(1) To a higher grade when both the old and the new positions are under the General Schedule or to make permanent a temporary promotion.

(2) From present grade to a higher grade under the same type of wage schedule.

(3) From a job or grade under a wage schedule to a job or grade with a higher representative rate under a different wage or General Schedule.

(4) From a position under the General Schedule to a job or grade with a higher representative rate under a wage schedule.

c. Reassignment: A change of a technician from one position to another without promotion or change to lower grade.

d. Area of Consideration: The area (geographically, organizationally or functionally) in which an intensive search for eligible candidates is made.

e. Eligible Candidates: Candidates who meet those qualification standards and military requirements prescribed for a vacant position. The National Guard Bureau describes the qualification standards and military requirements for excepted service positions. The standards for competitive service positions are those contained in OPM Qualification Standards Handbook. In both excepted and competitive positions, any selective placement factors used will become part of the basic eligibility requirements.

f. Job Related Criteria. The combination of factors that position descriptions have shown to be important for performance of a specific position (or group of positions analyzed as having identical important factors), and for which performance analysis shown are valid indicators of differences between more and less successful workers. The total set of criteria includes all knowledge, requirements for the position, and a description or identification of the amount or level of the quality that equates to the premium amount characteristic of superior performers.

g. Subject Matter Specialist. The subject matter expert will assist the HRO in identifying the best qualified candidates. When possible, he/she will have no supervisory responsibilities over any of the applicants being considered and should be equal to or higher in grade to the position being rated.

h. Selecting Officials. Individuals in management positions who are responsible for selecting candidates to fill position vacancies. The following are specifically designated "Selecting Officials" for the management functions specified, and each is authorized to delegate this responsibility to functional supervisors when appropriate.

(1) The Adjutant General (TAG): For the heads of activities reporting directly to the Adjutant General and for vacancies in the Office of The Adjutant General.

(2) Air Commander. For heads of ANG activities reporting directly to him.

(3) Army Chief of Staff: For heads of ARNG activities reporting directly to him.

(4) Human Resources Officer: For vacancies in the Human Resources Office

(5) ANG Officer Supervisors: For personnel employed in their divisions at Pease ANGB,

Newington, New Hampshire.

- (a) Command. Vice Commander.
- (b) Logistics: Logistics Group Commander.
- (c) Support. Support Group Commander.
- (d) Air Operations. Operations Group Commander:
- (6) ARNG Managers and Supervisors: For personnel employed in their sections.
 - (a) The United States Property & Fiscal Officer: For positions in and directly supervised by the Office of the USPFO.
 - (b) State Maintenance Officer. For vacancies in the State Maintenance Office:
 - (c) Plans, Operations and Training Officer. For vacancies in the Operations and Training Office:
 - (d) Combined Support Maintenance Shop Supervisor. For vacancies in Combined Support Maintenance Shop:
 - (e) Army Aviation Support Facility Commander: For vacancies in Army Aviation Flight Activity.
 - (f) Command Administrative Assistants (at appropriate levels). For unit vacancies to include Organizational Maintenance Shops.
 - (g) Military Personnel Management Officer: For vacancies in the Personnel Office.

1-6. MANAGEMENT'S RIGHTS: Recognizing that it is essential to the accomplishment of the mission of the New Hampshire National Guard that vacancies are filled with the best qualified individuals available, management retains the right to:

- a. Select candidates from any appropriate source most likely to best meet the mission objectives of the New Hampshire National Guard.
- b. Select or not select from among a group of best qualified candidates. If no selection is made a statement addressing the reason for non-selection must be returned to HRO on the referral certificate.

1-7. REASSIGNMENT:

- a. The reassignment of a technician to a position of known promotional potential will be accomplished through competitive procedures.

b. The proposed effective date will be coordinated between the respective supervisors. The gaining supervisor is responsible for initiating the coordinating action and completing necessary documents to affect the reassignment.

c. A technician may be laterally reassigned from one position to another of the same grade providing the technician meets qualification requirements.

1-8. EFFECTIVE DATE OF PERSONNEL ACTIONS:

a. Preferably, newly hired technicians will report to work at the beginning of a regular pay period. However, supervisors may bring a newly hired technician on at their discretion in order to meet mission needs.

b. All requests for personnel actions must be completed on a SF52 and forwarded to HRO at least two weeks prior to the proposed effective date of the action.

SECTION 2. EXCEPTION TO COMPETITION

2-1. ACTIONS EXEMPT FROM COMPETITION:

a. Promotion due to the issuance of new classification standards or the correction of a classification error.

b. Placement of overgraded technicians entitled to grade retention as a result of RIF or reclassification, or management directed change to lower grade.

c. Promotion when competition was held earlier (i.e., vacancy advertised with known promotion potential)

d. Repromotion to a grade or an intervening grade or position from which a technician was changed to lower grade without personal cause and not at his or her request.

e. Promotion resulting from a technician's position being reclassified at a higher grade because of additional duties and responsibilities if the technician is qualified.

f. Position change to a position having no higher promotion potential.

g. Position change required by RIF regulations.

h. Temporary promotion of 60 days or less.

i. Selection of a former technician from the Reemployment Priority List for a position at the same or lower grade than the one last held.

j. Prior permanent DD employees (excepted and competitive) who:

(1) Were in tenure 1 at time of separation may be reemployed to a position at the same or lower grade as the position from which separated.

(2) Were in tenure 2 at time of separation may be reemployed without competition within 3 years of separation to a position at the same or lower grade as the position from which separated.

k. Placement as a result of priority consideration when a candidate was not previously given proper consideration in a competitive action.

1. Technicians may be assigned through an internal placement program. When this method is used, technicians are placed in positions in the same grade or in positions of a lower grade. These reassignments or changes to lower grades are accomplished without competition.

SECTION 3. TEMPORARY AND INDEFINITE APPOINTMENTS

3-1 TEMPORARY APPOINTMENTS: Temporary appointees must meet the minimum qualifications for the position and grade in which employed and may not be promoted or reassigned. Although temporaries are ineligible for life insurance and coverage under FERS retirement system, they are eligible for health insurance after serving one year of current continuous employment. Temporary appointees do not accrue military leave, however they will accrue sick and annual leave if the duration of their appointment exceeds 89 days

3-2 INDEFINITE APPOINTMENTS: Indefinite appointments will be used when there is a need for a position to extend beyond one year. Competitive procedures must be used when filling these positions. Indefinite appointees may be promoted, reassigned to other positions with indefinite status, or separated when there is no longer a need for the position. Indefinites are eligible for health and life insurance and are covered under FERS retirement system. They also accrue military, annual and sick leave. However, they do not have permanent status.

SECTION 4. TECHNICIAN VACANCY ANNOUNCEMENT AND APPLICATION PROCEDURES

4-1. REQUEST FOR FILLING TECHNICIAN VACANCY: When requesting that a technician vacancy be filled, the supervisor will submit an SF 52, Request for Personnel Action, to the HRO. Required information on the SF-52 is:

- a. Position title, job number, grade(s) and location.
- b. Type of appointment.
- c. Military grade (officer, warrant officer, enlisted)
- d. Recommended area of consideration.
- e. Recommended selective placement factors.

f. Designated security clearance required.

g. Medical standards/physical requirements and requirement for periodic medical evaluation when applicable.

4-2. **TECHNICIAN VACANCY ANNOUNCEMENTS:** When a technician vacancy is not going to be filled as an exception to competition (see Section 2), the vacant position will be announced. As a minimum, the vacancy announcement will contain the following information:

a. Areas of consideration.

b. Title, series, grade, and salary range of the position.

c. Type of appointment - excepted or competitive.

d. Military requirements (officer, warrant officer, enlisted) and compatibility requirements.

e. Organizational and geographical location of the position.

f. Summary of duties and minimum qualification requirements.

g. Information regarding known promotion potential, if applicable.

h. Special conditions of employment, or developmental training, if applicable.

i. Opening and closing dates and how to apply.

j. Equal Employment opportunity statement.

k. Designated security clearance if required.

1. Medical standards/physical requirements and requirement for periodic medical evaluation when applicable.

4-3. **POSTING OF ANNOUNCEMENTS.:** Vacancy announcements will be posted for a minimum of 15 calendar days. To insure that all interested persons are aware of the vacancy, announcements will be posted conspicuously throughout the area of consideration in those areas most accessible to all members of the New Hampshire Army or Air National Guard. Announcements will also be posted on the Army and Air Intranets as well as www.nhpeas.ang.af.mil.

4-4. **AREAS OF CONSIDERATION:** The area of consideration for each specific position vacancy announcement will be that deemed most appropriate by the HRO to insure the receipt of sufficient highly qualified candidates. The grade and type of position, availability of candidates, position qualifications, budgetary limitations, and compatibility requirements will be considered in determining the area of consideration. Management can extend the established area of consideration for a particular placement action when it has been determined that the initial area did not produce a sufficient number of qualified

candidates. Following are the established areas of consideration, which may be further defined and described by applicable collective bargaining agreement:

AREA I. All excepted technicians in the New Hampshire National Guard

AREA II. All members of the New Hampshire National Guard.

AREA III. Personnel eligible for membership in the New Hampshire National Guard.

AREA IV. All competitive technicians of the New Hampshire Army or Air National Guard (for competitive positions)

AREA V. Applicants from outside the organization, including individuals on an OPM certificate, and those eligible for reinstatement due to prior competitive status.

4-5. APPLICATION PROCEDURES: OF Form 612, SF171, or personal resume will be accepted as a form of application. These basic documents will be used to identify the individual qualifications and therefore must reflect current and past employment data as well as military duty assignments, qualifications, and training. Complete and accurate data is essential to insure fair evaluation of candidates. Supplemental forms, which reflect the candidates' military qualifications, may also be submitted. Applications will be submitted as follows:

- a. Applications must be received by the HRO no later than 1600 hours on the closing date specified on the vacancy announcement.
- b. Applicants not currently commissioned or a Warrant officer, applying for a position requiring commissioned or Warrant Officer status, must meet eligibility criteria for commissioning or appointment. It is the individuals responsible to furnish documents showing they are eligible to be commissioned or a Warrant Officer.

SECTION 5. PROCESSING APPLICATIONS.

5-1. SELECTIVE PLACEMENT FACTOR: Selective placement factors are the knowledge, skills, abilities (KSAs), or other personal characteristics absolutely essential for satisfactory performance on the job. They will be determined in advance and be stated in the vacancy announcements. They are a part of the basic eligibility requirements for the position and will not be changed unless there is a change to the job description. The HR Office, in conjunction with the immediate supervisor, will establish the other personal characteristics absolutely essential for satisfactory performance on the job.

5-2. CONDITIONS OF EMPLOYMENT: Conditions of employment are those requirements of the position, which are necessary in order to perform the duties of the position (i.e. security, medical or education requirements). In addition, positions may have established requirements, which must be met for continued retention (i.e. developmental training). When either conditions of employment or requirements for continued position retention have been established, they must be included in the vacancy announcement.

a. Security Requirements. The HRO must determine whether the applicant has the required security clearance for the assignment. If not, the HRO will ensure that the clearance is obtained. When a technician cannot meet the security requirements of the position, removal from the position is required.

b. Training Requirements. All applicants for a position with a designated developmental training requirement must be informed in advance that failure to complete the required course(s) will be cause for removal from their full-time position. An example of required developmental training is proponent course(s) at the National Guard Professional Education Center. The HRO will require the applicant to submit a written statement to the effect that he/she understands he/she must satisfactorily complete the appropriate course(s) or be removed from the technician program.

c. Medical Standards. Some positions may require special medical standards or physical requirements and may be subject to periodic medical evaluation when applicable.

SECTION 6. EVALUATING CANDIDATES.

6-1. JOB ANALYSIS: When more than eight (8) eligible candidates are identified through the evaluation process, a job analysis will be conducted by the HRO to determine the knowledge, skills, and abilities (KSAs) that will, in turn, be used to identify high quality candidates for referral to the selecting official. The KSA factors will be recorded for use in evaluating candidates' qualifications. Three to eight KSA factors will be used.

6-2. EVALUATING EXPERIENCE: After the KSAs needed for successful performance on the job have been identified through the job analysis, the applications will be used to gather job-related background data to be used in the evaluation process. Experience will be evaluated on the type and quality in relation to the requirements of the position. Length of service or experience will only be used when there is a clear relationship with quality of performance or when necessary to break ties when all other ratings are equal. Experience will be rated in categories as shown below on each KSA determined in the job analysis:

a. "A" level experience. Candidate possesses type and quality of experience that substantially exceed the basic requirements of the position, including selective placement factors, and that would allow the candidate to perform effectively in the position almost immediately or with a minimum of training and/or orientation.

b. "B" level experience. Candidate possesses type and quality of experience that exceed the basic requirements of the position, including selective placement factors, and that would allow the candidate to perform effectively in the position within a reasonable period of time (e.g. 3 to 6 months)

c. "C" level experience. Candidate satisfies the basic requirement of the position with respect to experience, including placement factors, but (trainee level):

- (1) Type and quality of experience beyond that which is basically required are minimal, and/or
- (2) Extensive additional training and/or orientation would be required to enable the candidate to satisfactorily perform the duties of the position.

- d. Individual does not meet basic requirements.

6-3. **EVALUATING PERFORMANCE:** During the job analysis process, different performance elements are identified for use in this segment of the evaluation process. The elements selected are those that best measure the knowledge, skills, and abilities that have been determined necessary for successful job performance. The evaluation outcome is computed based on the numerical value of those elements that make up the pattern for the position being filled.

6-4. **AWARDS:** When both an outstanding/excellent performance rating and a monetary award recognized outstanding performance for the same period of time, only one of the two will be credited. The HRO representative will analyze the awards record to assess the qualifications demonstrated and their bearing on the requirements of the position being filled.

Awards that are more than 3 years old will not be considered. A maximum of six points may be credited for this factor. Points are assigned as follows:

	<u>1st yr</u>	<u>2nd yr</u>	<u>3rd yr</u>
Outstanding Performance Rating	3	3	2
Fully Successful Performance Rating	2	1	0
Sustained Superior Performance	1	1	0
Suggestion Award	1	0	0

6-5. **TRAINING AND EDUCATION:** A maximum of twenty (20) points will be awarded for this factor. This refers to training and education, other than that credited for basic eligibility that was not considered elsewhere in the evaluation process, which is relevant to the position.

6-6. **OVERALL RATING:** The overall rating for each factor (experience, performance, training and education, and awards) will be combined and the total score for all factors will be recorded.

SECTION 7. REFERRAL AND SELECTION PROCEDURES

7-1. **REFERRAL AND SELECTION REGISTER.** Normally, the top eight (8) candidates determined through the evaluation process will be listed on the Referral and Selection Certificate.

7-2. **REFERRAL AND SELECTION PROCEDURES:**

a. The selecting supervisor will interview each candidate on the register. This assures eligible candidates that they are being considered, increases understanding and confidence in the promotion process, and furthers the objective of selecting the best qualified. The selecting official is entitled to select or not select any candidate referred to him/her.

b. Selection will be indicated by completing the bottom portion of the Referral and Selection Certificate and returning it to the Human Resources Office through appropriate channels.

c. Following selection approval by the approving official, the supervisors with HRO coordination, notify selectee/nonselectee of selection and make themselves available to the technicians regarding what

they might do to improve their chances in future actions.

d. If no selection is made, the selecting supervisor will return the certificate to the HRO with written justification as to why a selection was not made.

7-3. ACTION BY THE HRO the HRO will:

- a. Notify those candidates not selected, in writing, indicating selection was or was not made.
- b. Prepare appointment/promotion file.

7-4. RELEASE OF TECHNICIAN SELECTED FOR PROMOTION: The selecting official is responsible for requesting the release of the technician selected for promotion. The technician selected will normally be released at the end of the first full pay period after the date of selection. In the case of an employee selected in advance of an actual vacancy, the technician will be released at the end of the first full pay period following the date on which the position is vacated. If a technician cannot be released at that time without hampering important operations, the release date may be postponed for a period, not to exceed four weeks, which is acceptable to both the losing and gaining offices. In the event an agreement cannot be reached, the decision will be made by the Adjutant General.

7-5. SPECIAL PROMOTION ACTIONS:

a. Temporary Promotions:

(1) A temporary promotion is the most appropriate means of meeting a situation requiring the temporary service of an employee in a higher grade position. For example, it may be used when an employee has to perform the duties of a position during the extended absence of the incumbent or to fill a position that has become vacant until a permanent appointment is made.

(2) Merit promotion procedures are required for temporary promotions exceeding 60 days for bargaining unit positions and 120 days for non-bargaining unit positions.

(3) If the position is to be filled permanently upon expiration of the 60 days, merit promotion procedures outlined on this plan must be followed.

(4) A temporary promotion may not be used for the purpose of training or evaluating a technician in a higher grade position.

(5) Any technician selected for a temporary promotion must be informed in advance of the promotion circumstances that make it a temporary promotion rather than a permanent one. Technicians must be informed in terms that leave no doubt as to the temporary nature of the action and all conditions relating to it, to include the expected duration and assurance of return to his/her regular position when services are no longer needed in the higher grade, whether or not the expected duration has ended.

(6) A technician recommended for temporary promotion must first meet the mandatory requirements and qualifications of the position to be filled.

b. Repromotions.

(1) Prior to filling any vacancies, special consideration will be given to all qualified technicians who have been changed to lower grade without personal cause; that is, without misconduct or inefficiency on the part of the employee and not on his/her request.

(2) The Human Resources Office will maintain listings of those technicians who have experienced a change to lower grade.

SECTION 8. PLACEMENT/PROMOTION RECORDS

8-1. PURPOSE: Complete promotion records will be maintained by the HRO TO:

- a. Provide a clear record of the action taken.
- b. Evaluate the merit placement program.
- c. Provide proof that filling technician vacancies are being made on a fair and equitable basis in accordance with this plan.

8-2. RECORDS REQUIRED: Sufficient records are required to allow reconstruction of the placement action. As a minimum, the following information and forms will be retained in the record:

- a. Copy of the vacancy announcement.
- b. List of all applicants' names.
- c. Copy of application documents.
- d. Forms used in the evaluation and rating process.
- e. Referral and selection certificate signed by selecting official.
- f. Record of the "Stopper List" having been cleared (for competitive positions).

8-3. DURATION: Records will be maintained for a minimum of two years and then destroyed. If a grievance is pending, records directly related to the purpose of the grievance will be maintained until resolution.

8-4. PRIVACY PROTECTION: Information relating to individual placement actions or to the candidate will not be discussed with or shown to unauthorized individuals. Supervisors and personnel specialists participating in merit placement actions will not disclose the details of their work to unauthorized persons.

SECTION 9. GRIEVANCES AND COMPLAINTS

9-1. GENERAL: A copy of this plan will be made available for review in all units and activities. Technicians who have questions about, or who wish information as to the qualification requirements applied in any promotion action, should contact their supervisors.

9-2. GRIEVANCES AND COMPLAINT: A technician who believes that proper procedures were not followed in a particular placement action for which he/she was an applicant may present a grievance under applicable grievance procedures. A grievance will not be considered when it is based solely on nonselection.

9-3. DISCRIMINATION COMPLAINTS: Allegations of discrimination because of race, color, religion, sex, age, handicapping condition, or national origin made during any phase of the selection process will be considered under the New Hampshire National Guard Equal Employment Opportunity Program.

9-4. OTHER: Other complaints or inquiries including those made by non-technician candidates should be directed to the HRO. All such inquiries will be considered and every effort made to resolve such complaints. All technicians have a right to request an administrative review of their nonselection for promotion or failure to be included on the Certified List. Requests for administrative review will be submitted in writing to the Human Resources Office within fifteen days after the date on which the technician learns of his technician learns of his/her nonselection or failure to be included on the Certified List.

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